

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,  <div style="text-align: right;">Plaintiff,</div> v.  4. ABDULKADIR NUR SALAH,  <div style="text-align: right;">Defendant.</div>	Case No. 22-CR-223(4)(NEB/DTS)  <div style="text-align: center;"><b>MOTION <i>IN LIMINE</i> NO. 11 REGARDING HEARSAY EMAILS</b></div>
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The Court should preclude the United States from offering hearsay emails that are inadmissible both under the Rules of Evidence and the Confrontation Clause. The United States has identified multiple emails on its exhibit list that consist of statements to the Minnesota Department of Education by individuals who are not alleged co-conspirators. Such emails are hearsay that is not within any exception and constitute testimonial hearsay violative of the Confrontation Clause.

Emails are hearsay unless they qualify under some recognized hearsay exception. Further, statements to the government accusing another of misconduct are testimonial hearsay that would violate the confrontation clause if admitted. *Crawford v. Washington*, 541 U.S. 36 (2004) (“An accuser who makes a formal statement to government officers bears testimony in a sense that a person who makes a casual remark to an acquaintance does not.”)

For example, Government Exhibit A-70 is an email from an accuser complaining to state officials from MDE regarding one of the defendants in this case and using charged language to lodge the accusations. The email is dated on July 25, 2021, well

after MDE allegedly asked the FBI to investigate Feeding our Futures. Thus, the email is obvious hearsay that is not within any exception. The only purpose for the government offering the exhibit is for the alleged truth of the matter asserted.

The Court should exclude such accuser statements in emails, text messages, or any other documents as hearsay and as violative of the Confrontation Clause.

Dated: January 10, 2025

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